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Photo by Sgt. Edmund T. Gorman, New Orleans Police Department

"Dad" Bruce New President of IACP

(*See Page 23*)

Chief Irvin B. Bruce, (left), Colorado Springs, Colo., succeeded to the presidency of the International Association of Chiefs of Police at the 61st annual conference in New Orleans in September. Handing over the Association's "reins" and extending best wishes is Chief Carl F. Hansson, Dallas, Tex., whom Chief Bruce succeeded.

Also on the Inside--

"SAFE DRIVING DAY"
NEW BREATH TEST METHOD
EVALUATING CHRONIC OFFENDERS
KNOW THE LAW

TRAFFIC DIGEST & Review

THE TRAFFIC INSTITUTE · NORTHWESTERN UNIVERSITY

The

Traffic Digest & Review

OF THE TRAFFIC INSTITUTE, NORTHWESTERN UNIVERSITY

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This publication is produced to serve as a source of information and a medium for the expression of responsible opinion in the street and highway traffic field. From time to time there will appear herein expressions of opinion that do not necessarily reflect official Traffic Institute policy.

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S-D DAY DESERVES YOUR FULL SUPPORT

(*An Editorial*)

ON WEDNESDAY, December 15, 1954, a nation-wide effort will be made to demonstrate that traffic accidents can be reduced materially when all motorists and pedestrians do their part.

This will be "S-D Day"—"Safe Driving Day." It will be sponsored by the President's Action Committee for Traffic Safety in cooperation with hundreds of local, state, and national organizations.

The test confronting every community will be to reduce traffic accidents to a minimum for the 24-hour period.

That's a big order, isn't it? It calls for the greatest cooperative job ever undertaken in behalf of traffic safety. But S-D Day is an opportunity and a challenge for all types of organizations, for every official, and for every driver and pedestrian.

Whatever your job is, S-D deserves your full support.

S-D Day will be preceded by 30 days of intensive public education, with every channel of communication being utilized to alert the public to the urgency of the traffic accident problem and to emphasize the importance of support by every individual.

Each governor has been asked to:

1. Designate a state S-D Day director to head up the program on a state-wide basis.
2. Call upon mayors and county officials to enlist in the program asking each to designate a local S-D Day director.
3. Issue an official proclamation on November 15, designating December 15 as "S-D Day" and calling on all organizations to develop definite activity to effectuate the program.

Motorists and pedestrians will be urged on S-D Day to accept full *personal* responsibility for complete adherence to basic safe walking and driving rules.

No one connected with the sponsorship of S-D Day expects this one-day program to solve the traffic accident problem. We all know that traffic safety must be a day-in-day-out, year-'round job— for everybody.

But this intensive public education program, combined with the mass pooling of effort by so many organizations in all parts of the country, can have a tremendous impact. It can give a great stimulus to existing traffic safety programs.

Remember S-D Day — December 15 — and give it your full support!

Institute Report on

New Breath Test Method

by

GEORGE LARSEN, JR.
Associate Editor, *The Traffic Digest & Review*
Training Division
The Traffic Institute

A NEW AND significantly improved and simplified method of using breath to determine the degree of alcoholic influence was demonstrated last month before the Committee on Tests for Intoxication of the National Safety Council at the National Safety Congress in Chicago.

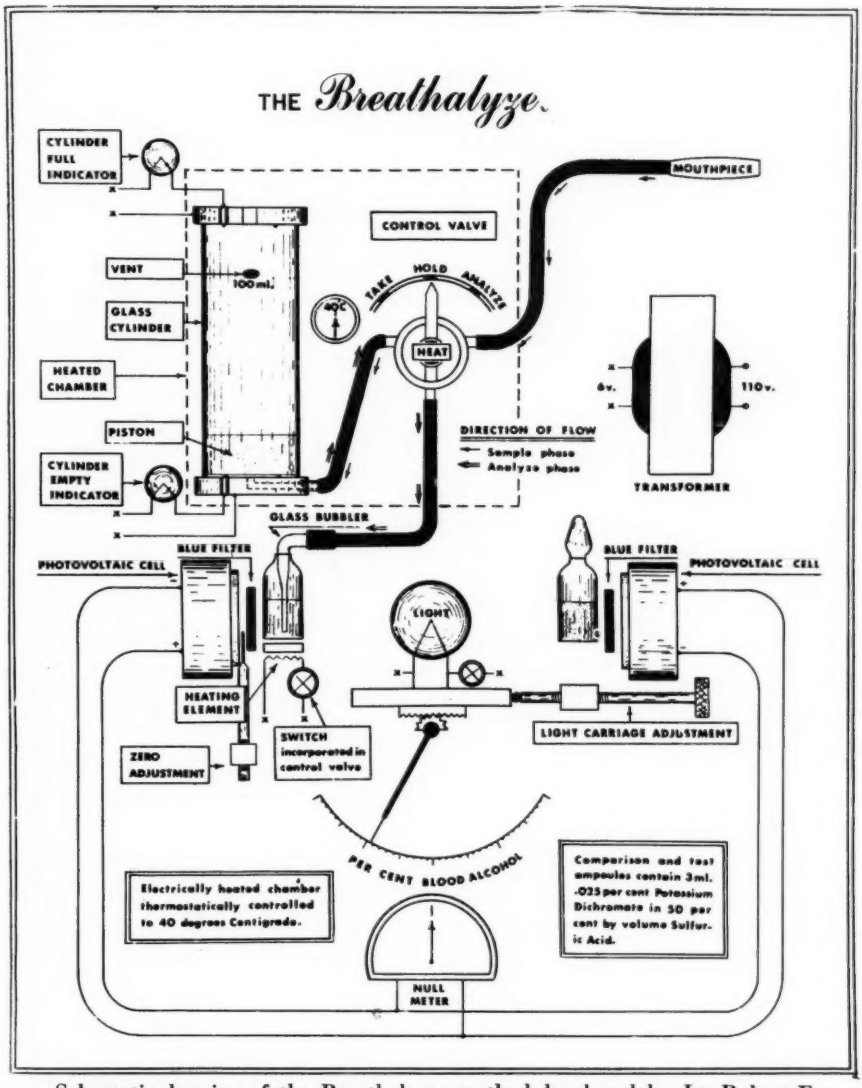
Both the method and a lightweight compact device for using the method were developed by Lt. Robert F. Borkenstein, chief technician of the Indiana State Police and director of the ISP crime laboratory.

The device is called the Breathalyzer. The method consists of three principal phases:

In the first phase, a known amount (100 ml.) of nearly pure alveolar breath is trapped in a cylinder. The subject blows into a tube which, raises a lightweight piston to a level above a vent, and exhalation continues until the subject nearly stops blowing. With the control valve at the "hold" position, the piston drops slightly and seals the vent.

In the second phase, the control valve is turned to "analyze" position. The breath thus collected is metered (100 ml. per minute) into a test tube ampoule containing a dichromate solution, with pumping power supplied by gravity on the piston. Electrical contacts built into the piston and cylinder close the circuits on small colored indicator lights to show when the piston is at the top and again at the bottom of its stroke. After the breath has completely bubbled through, oxidation of the alcohol is allowed to continue for one minute before a reading is taken.

In the third phase, the color change in the test ampoule is measured. This is done with the use of a balanced circuit from two photovoltaic cells (similar to those in photographic light meters) mounted one in back of the "test" ampoule and the other in back of the "standard" ampoule, with the necessary light supplied by a small (21 cp) bulb mounted between them on a movable rack. With the light centered between the ampoules and with the meter reading at zero, before the "analyze" phase, the color (measured in transmitted light) of the two solutions is balanced. As the color in the "test" ampoule fades during the oxidation of alcohol, the light bulb is moved in the direction of the "standard" ampoule and the meter reading is kept at zero. The distance through which the light



Schematic drawing of the Breathalyzer method developed by Lt. Robert F. Borkenstein of the Indiana State Police, showing the three main phases of operation. The device is contained in a lightweight portable case measuring approximately 10 in. x 12 in.

bulb has been moved is indicated on another dial, which is calibrated in figures giving the direct blood alcohol concentration.

To prevent condensation, all breath carrying components are pre-heated and maintained at near body temperature by a thermostat. The test ampoule containing 3 ml. of .025% potassium dichromate in 50% by volume of sulphuric acid is heated to a working temperature of 70 C

by a small built-in heating element. At this temperature ethyl alcohol is rapidly oxidized. Two minutes from the start of the bubbling, allowing one minute to complete the passage of the breath through the reagent, a stopping point is reached, with no further change. The solution used is recognized by biochemists as one of the best for the purpose, and is the only chemical used in the test. Highest possible stability is obtained by sealing it in ampoules, which can be produced cheaply in volume by chemical suppliers.

The photometer which measures the amount of dichromate solution used to oxidize the alcohol in the breath sample is designed to be independent of all outside influences. It will give accurate results independently of line voltage variations (e.g., 95 to 135 volts on a 115v line), the age of the lamp providing the light source, the accuracy of the photovoltaic cells, and the strength of the chemical solution used. The scale attached to the light movement mechanism shows a linear movement of the light as it balances the entire system. Because it is linear, the test can be started from any point where the light is balanced against the "standard", making the strength of the test solution immaterial. If it is much too strong, the sensitivity of the null meter will be reduced, but the answer will be accurate. If it is too weak, the answers will level off at a lower level than full scale, but any test within the possible range will be correct. However, accuracy is dependent upon the accuracy of the "standard" and the volume of the "test" solutions used, both of which can be quickly and easily checked.

The analysis involves but seven simple and definite steps. This serves to minimize possibilities of error resulting from faulty judgment or lack of experienced operation.

Maintenance of the device is simplified by the fact that the rubber tubing and all electrical components used, such as the reading light, panel lights, heating element and switches, are standard parts easily obtainable. Only an occasional standardization of the device is required, and involves centering the light, balancing the photovoltaic cells, and checking the range of readings.

Based on the accepted blood/breath relationship, 100 ml. of breath collected in the sample chamber will furnish a definite amount of alcohol. This alcohol will effect a given change in the transmittance of the test solution. This change in transmittance will necessitate a definite movement of the light to balance out this change. This movement of the light will rotate the shaft bearing the reading hand through a given number of degrees. Thus the movement of the hand indicates the amount of alcohol in the blood. All these factors are mathematical and the entire analysis can be computed without empirical factors.

A great many tests have been run with developmental and pilot models of the device and show a remarkably high level of accuracy and consist-

ency when checked against known samples, other breath methods, and bodly fluid analyses. Tests run by Lieutenant Borkenstein under varying conditions, many of which were observed by this writer, have given highly uniform results. In addition, other experts in the field such as Dr. R. N. Harger of the Indiana University School of Medicine and Dr. Ward Smith of the University of Toronto have run large numbers of tests with excellent results, according to reports they made to the Committee. At a later date, when further data have been accumulated, *The Traffic Digest & Review* will undertake to provide a report and analysis of results obtained.

Lieutenant Borkenstein is acknowledged as a leading authority in the chemical test field. For many years he has been associated with the Traffic Institute in the conduct of chemical test courses, both in Evanston and at regional training centers throughout the country.

* * *

FARMERS CONTRIBUTE HEAVILY TO TRAFFIC DEATH TOLL

Farmers appear to be involved more frequently than other drivers in fatal accidents. In all accidents, including property-damage accidents, there does not appear to be any significant difference between the experience of farmers and other drivers.

While complete and detailed information for the entire nation is not available on this point, the above conclusions appear to be supported by data on state motor vehicle accident summaries. Sixteen states reporting information on the occupation of the driver showed that farmers and farm help totaled 14 per cent of all drivers involved in fatal motor vehicle accidents in 1953.

Source: 1954 edition Accident Facts

* * *

SIGNAL FORCES SLOW DOWN IN SPEED

An electrically-operated signal to force a slowdown in the speed of cars is now in operation at a sharp curve on Route 11 highway near the village of Philadelphia in upstate New York. The spot has been the scene of fatal accidents in past years.

The American Public Works Association describes the system as involving the coordinated use of a traffic light with a series of speed-measuring detector plates that have been inserted in the road. The set-up is known as a vehicle-actuated speed control signal.

It will be in effect day and night. It replaces a flashing amber light, previously used on the curve.

A Psychiatrist Evaluates

The Chronic Traffic Offender

by

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and
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(This paper was presented by Dr. Kelley at the traffic session of the annual conference of the International Association of Chiefs of Police in September in New Orleans, La.)

THE PROBLEM of traffic accidents is of major concern to law enforcement officers, and should be of equal concern to the public. As a nation we have become exercised over poliomyelitis, have national campaigns and work ourselves into a preventive and therapeutic lather about a disease which kills less than a thousand people annually. Part of the reason for our public interest is that this disorder strikes at children, and yet we pay but little attention to the fact that last year four times as many children up to the age of 14 were crippled in auto accidents and that more than 12,000 are permanently crippled annually in this country, not by polio but by vehicular accidents. This number of permanently damaged children is the residue of the one and a half million actually injured annually.

From a medical viewpoint, therefore, we should begin to consider auto accidents, like polio, in terms of death per thousands, and this is being done. For example, in 1953, the rate was 9.7 per 100,000, which is considerably higher than the rate for most serious childhood medical disorders. A preventive medical approach to this problem should be directed primarily at the chronic or repetitive traffic violator, since the probability of a single accident involves so many deviant factors as to be relatively unpredictable.

Our focus, then, is on the chronic offender as a possible medical problem. This approach has actually been undertaken by some physicians. Selling published more than a dozen papers dealing with the problem and its psychiatric relationships. Canty, who has done a tremendous job at the Recorder's Court in Detroit, where Selling also did his work, has contributed much to the thinking along these lines, and John Larson, who incidentally discovered the polygraph, has also contributed his share. The general findings of these workers primarily stem from the Psychopathic

Clinic at the Recorder's Court in Detroit, and I do not intend to repeat the excellent studies published by the above authors.

Basically, they have found that there is not one reason, but many that cause accidents. Broken down into lay terms, which is what Williams did in an excellent summary,

> "a. People have accidents because they *can't* do better—physical or mental deficiency, temporary or permanent.
>
> "b. *He doesn't know*—has never been trained, has not acquired or has lost the requisite knowledge and skill.
>
> "c. He *doesn't care* enough—doesn't want to have an accident but doesn't sufficiently want *not* to have one. He is careless, reckless, inattentive, call it what you will. This category, 'faulty attitude,' is the one we know least about, so it tends to become a catch-all. At the extreme it approaches the homicidal or the suicidial"[1]

Physical difficulties obviously are a medical problem, and certainly stricter evaluations should be made to prevent the temporarily defective from driving. California has forged far ahead in the control of epileptic licenses, but no state really had good medical control of the temporarily incapacitated driver. The increased use of antihistamines producing drowsiness, the use of barbiturates or bromides and the period of post illness recuperation all play some role in negating the capacity of a patient to drive. Physicians must be educated to take into consideration the medical status of a patient in relation to his capacity to handle a vehicle and to prescribe, if necessary, a course of therapy which requires temporarily keeping off the highway. More important, public education backed by medical leadership could certainly aid in this area.

The problem of the driver who doesn't know, of course, is not specifically medical, and is being approached in our driver training and other schools. The last group, however, is the one which is most interesting psychiatrically, and here we find the individual who is "accident prone" or for some other reason has repetitive traffic difficulty. The "accident prone" problem is a confusing one to most people, and some authorities feel that there is no such animal. Recent statistics evaluation shows that the percentage of accident proneness depends on the time records are collected and followed and how long the study actually continues.

Probably the best approach is that of Williams, who feels that every driver is "accident prone" at times, and it is better to study the individual problem rather than lump all these people in one bracket classification.

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[1]Sidney J. Williams, *Safety Education* (Chicago: National Safety Council) "Traffic Safety and the Machine Age."

If we then approach the problem from a joint medical-law enforcement view, we can set up a classification as follows:

1. Occasional offender, who may be a transient medical problem or a simple law enforcement problem.

2. The chronic offender, who may have a definite physical difficulty which is either correctible or not. If his condition can be changed, it should be treated, and in no case should he be permitted to drive until adequate response is achieved. If his condition is uncorrectible, of course, he should be permanently barred from the road.

3. Next in the chronic group is the chronic mental problem, and this class can be split into three fairly definite types:

Psychotics, who are persons who are overly ill and who cause some curious accidents as a result of hallucinations and delusions. Fortunately, such cases are reasonably rare from an accident viewpoint, although not at all rare in practice. There are in every city a fairly large number of persons suffering chronic schizophrenic reactions who are not committable under most state laws since they are not dangerous to themselves nor others, but whose judgment as drivers most seriously can be questioned. Preoccupied with their views or their delusional thought trains and out of contact with reality, they pay little heed to traffic situations and become definite driving hazards. Certainly, legislation is necessary to control these individuals, and I would recommend that any person found seriously mentally ill, diagnosed as a psychosis, should have his license voided and have it reissued only on a certificate of a physician who is willing to assume responsibility for follow-up check. Certainly, many persons who have had major mental breaks recover totally and should not be deprived of their driving prerogatives unduly, but with joint medical-law enforcement cooperation these problems could be worked out.

The second great group of chronic medical problems is made up of persons addicted to drugs or alcohol, and chronic violators found suffering from such disorders should be definitely prohibited from driving and this prohibition should be stringently enforced. Any one driving under the influence of drugs of any type needs medical treatment for the addiction, but may also need considerable pressure in the form of fines or jail sentences to see that he does not drive until the disorder is cured.

Finally, in this chronic group we have the character disorders, or psychopathic personalities, who make up a large percentage of our population and who are characterized by their immature, infantile attitudes toward the world. Perhaps the best way to understand this individual is to consider a 6-year old whose attitudes toward the world are egocentric and self-centered, who is impulsive and emotionally uncontrolled, is unthinking and uncritical, working on an all or none basis, and tends

to confuse daydreams with reality. These behavior patterns are normal enough in a child, since after all in his six years on earth he has been the center of his little universe due to his helplessness. A small child requires constant attention if he is to even survive, and until he begins to get about, running into the complicated demands of other similarly self-centered egos, he lives in his little world and watches it spin around him. It has been said that a man who complains that he has never been master in his own house has overlooked the first year or two of his life.

He is also emotionally explosive, blowing up into anger or tears with minimal provocation and, just as rapidly, shifting into laughter. Little children are either preoccupied with themselves or very happy or very sad or else asleep. There seems to be very little middle ground. This behavior is primarily a function of the developmental pattern of the frontal lobes, which actually have not come into full physiological capacity at this point, and do not achieve normal patterns until about the age of 7 - 9. The little child is also uncritical and impulsive, working on an all or nothing basis, utilizing immediate stimuli and not previous experience. He generally is all for something or all against it, and when he makes a decision, it is a spur of the moment reaction rather than a planned, critically evaluated one. Finally, children indulge to a great degree in fantasy, and frequently contaminate their reality with daydreams.

This sort of behavior, when it occurs in an adult, indicates a failure to develop normally emotionally, and is classed as a character disorder of the immature, impulsive type. These persons are not rare. A very high percentage of the difficulties in the Service came from the indiscriminate drafting of such persons and in the early days of World War II more persons were discharged for various kinds of character difficulties than for all other medical reasons put together. Such persons when behind the wheel of a car frequently develop grandiose daydream patterns which lead to accidents. Their impulsive behavior, their inherent self-centeredness, their utter inability to give the other person his due rights of the road all make them an extremely hazardous type, and these are the citizens who turn out to be the so-called "accident prone" group. Frequently, they resemble passive neutorics who, again because of their immaturity and infantile behavior, are simply unable to adapt to any rules and regulations, including those listed in the vehicular codes. Unfortunately, these individuals are not easily diagnosed by any routine technique except by analysis of their previous behavior patterns. They are not amenable to standard treatment techniques either. Recognition of this type, however, is of great importance to the average police officer. Hence he will better understand how to handle such persons when he runs across them.

This brings us around to the psychiatric aspects of any specific traffic situation, and here we can, again, set up three groups of drivers who are

of pertinent interest. First the psychotic or drug influenced person who should be apparent in most instances, and should be handled by immediate treatment methods. Obviously, an overt mentally ill person or one under the influence of drugs should be prevented from further driving at that point and handled by the usual joint medical-legal procedure.

The next group consists of the normal persons who at the time of a traffic accident may actually be suffering from sufficient anxiety to produce odd behavior. This is, I think, an important point to remember. The very mechanisms of handling traffic with sirens and red lights not infrequently generates considerable anxiety in many persons, rendering them difficult to handle. Obviously, the practical approach to this sort of individual is to avoid any further increase in anxiety. If the officer is aware of the mechanisms of anxiety which tends to cut down normal thinking capacity and loosen the impulsive emotional mechanisms of a person, he will better understand and, hence, be more able to control the situation. Persons who are overanxious may become overtalkative, may develop considerable hostility and pay little attention to what is actually going on.

Finally, there are the psychopaths, previously described, who may also develop some anxiety, but who ordinarily are unconcerned and pay little heed to warnings or other verbal approaches.

In these last two groups, then, it can be clearly seen that the officer's role should be characterized by simple courtesy and minimal contact. Brusk, blunt approaches increase the anxiety in the normal and set up hostile defenses in the psychopath and are obviously unwarranted. A simple statement of the events of the traffic offense put forth as an unalterable fact probably represents the best approach. Further argument, lecturing, and discussion usually only involves the officer in difficulty and lays the foundation for possible personnel complaints. An overanxious, tense driver will hear only a tiny part of the discussion, and seizing an unfortunate word or fragment, may later register a formal complaint against the arresting officer. Persons who have committed minor or major traffic offenses usually have a combination of guilt and feeling of frustration, and a classic egosaving device is to project the whole problem onto the police officer. Psychopaths do this as a matter of course, and the discreet officer will avoid such situations by a minimal of conversation. This does not mean that he should remain glum and mute, but rather, that he should state the case, make up his mind whether a citation is necessary, issue it, and get out. Warning citations, like warning lectures, are in my opinion completely futile since the psychopath will pay no attention to them, and the normal, anxious person will ordinarily be sufficiently unnerved by the experience to be unable to comprehend them in their entirety. In order to avoid needless conversation the officer can always fall back on the fact that the discussion, excuses, rationalizations

and projections of the driver can be more usefully ventilated in court. Obviously, the handling of the situation depends partly on the personality of the officer and while this is not the place for a lengthy discussion of this point, I should stress the point that the police officer himself must be mature and intelligent if he is to cope at all reasonably well with these problems. If the officer is a borderline pyschopath or defective, only trouble can be expected.

I should like to comment briefly on some psychiatric recommendations which might be practically helpful. Psychologically the orientation of the public must be changed to recognize the great public health problem of death and injury from the traffic disease from which we suffer. Too many people seem to feel the encounter with the police officer is a sporting proposition and condemn any so-called "unfair method" which might not give them an even break in this daily game. I feel that there is no sportsmanship involved whatever in the problem, and see no reason why radar, unpainted cars and other methods should not be used in this life and death struggle. Education of the public along these lines is essential, and we must attack traffic death with any and all methods as vigorously as we attack cancer death.

Next, I would recommend that other communities adapt the technique of Detroit in the setting up of a traffic clinic where persons physically and mentally unfit can be diagnosed early and separated from their licenses. Such persons can also be referred for possible punishment.

Finally, the problem of punishment is important from its psychiatric aspects. My observations in criminology lead me to feel that threat of punishment is not a major deterrent in all types of crimes, for example, personal assault, but the threat of effective punishment is of great value in traffic violations. One of the best ways of preventing accidents, of course, is to have a high saturation of obvious police cars on the road. The recent publicity along these lines by the California Highway Patrol and the City of Oakland have shown that aggressive enforcement can help. Remember, the psychopath, like the small child, will behave when a stern parent is at hand, and while the psychopath does not learn to mend his ways through punishment, he can be made to obey the law when he realizes that swift, immutable punishment follows his violations.

From a psychiatric viewpoint, then, I would recommend that violations be prosecuted rapidly and effectively. That this works is shown, for example, in the lessening of traffic accidents on the Bay Bridge following the installation by courts of quick, sudden sentences, reasonably severe and accompanied by licensing suspension. In connection with the latter problem, I would also recommend that suspension should be enforced and more serious penalties be inflicted on drivers who deliberately drive after their license has been taken up.

This approach is a joint medical-law enforcement one, and it would

seem that if we in medicine recognize that traffic problems are partly our problem, if we assume our responsibility in this area, if we apply preventive medical methods, a cooperative approach may well help at any rate to cut down our appalling annual toll of death and injury from this—one of our most serious diseases.

* * *

New Mexico Launches Driver Improvement Program

A new program has been launched by the New Mexico Driver's License Branch, according to Commissioner of Motor Vehicles Tony Luna, Jr.

Under the program which started October 1, drivers whose license records indicate that they are repeaters in traffic accidents and violations will be given special examinations and informal interviews by driver improvement analysts. The purpose is to determine why the drivers have had records and then to correct them.

R. G. Wheeler, driver's license administrator, in charge of the program, said: "Our records indicate that many drivers are accident and violation prone. After receiving their licenses, they have developed bad driving habits and faulty attitudes. In some cases, their physical condition and advancing age have made them unsafe for themselves, their families, and other highway users."

Six men have been selected from 43 applicants to conduct the examinations and interviews. The six driver improvement analysts recently completed a 45-hour course conducted by the Traffic Institute of Northwestern University. This training was augmented by an additional week's instruction in Santa Fe headquarters.

"Drivers who cause trouble do so because they are not convinced that their driving practices are unsafe, or they are unaware of the safe practice," according to Glenn V. Carmichael of the Traffic Institute, who was in charge of the special training for the New Mexico men. "Some are physically unfit, while others show wilful disregard or are nervous, absent-minded or reckless.

"The driver improvement analysts have been trained to detect the reasons for drivers' unsafe practices and to work out methods for improvement. Should the driver's attitude not change for the better or if he fails to improve otherwise, his license will be suspended for the protection of other highway users.

"In other states where this type of program has been in effect, most drivers examined and interviewed are improved to the extent that they have no more accidents or violations."

Traffic Supervision

Developing the Enforcement Program

(Editor's note: This is the fifth part of a chapter on Traffic Supervision developed by the Traffic Institute for the International City Managers' Association for its text on Municipal Police Administration. The text forms the basis of the police administrative training program of the Institute for Training in Municipal Administration conducted by the ICMA since 1934. Franklin M. Kreml, director of the Traffic Institute, and George Larsen, Jr., associate editor of the Traffic Digest & Review *and a member of the Institute's training staff, collaborated in the preparation of the Traffic Supervision chapter. Additional sections of the chapter will be published in future issues of this magazine.)*

WE HAVE seen that traffic law enforcement by the police means all police acts or operations which relate to observing, detecting, and preventing traffic law violations, and taking appropriate action under the circumstances.

Enforcement does not stem alone from arrests or citations. It is provided largely by keeping drivers and pedestrians from committing minor and often unthinking violations, such as prohibited turns or jaywalking. It is promoted through the judicious use of written warnings in lieu of traffic arrests to correct many minor defects or omissions. We cannot in a chapter of this brevity go into the details of how, when, and where each different kind of enforcing action is most effective and appropriate. But we will try to point out how the enforcement efforts of the police can be made more productive. First we shall discuss the principle of selectivity, and how it applies in:

Selective Enforcement

Selective enforcement is defined in the Enforcement Report of the President's Highway Safety Conference: "Selective enforcement is *enforcement which is proportional to traffic accidents with respect to time, place, and type of violation.*" The report continues: "It is not only logical and efficient; it is necessary. Police manpower is so limited that it is impossible to give adequate attention to all times and places. Efforts must, to some degree, be concentrated on certain phases of the problem; the best basis for determining such concentration is the accident experience."

It is safe to say that no police department has sufficient personnel to enforce all traffic regulations at all times and in all parts of the city at the same time. Even if it were possible, it would not be wise to do so. Not only would the cost be prohibitive, but such complete enforcement is unnecessary and would be repudiated by the public. The basis of selective

enforcement is complete and accurate information relating to the times and places of accidents, and the violations which are predominantly involved.

Adequate spot maps of accidents must be provided. Many administrators like to keep several different spot maps for the same period, and break them down by time of day, kind of accident, and other factors, or to keep such maps for a month or quarter-year, and then begin anew. Most recent research indicates, however, that these refinements are not justified or necessary; studies* indicate that the greater mass of information there is compiled, the more nearly accurate will be the forecast. Since the forecast of where accidents are likely to happen is rarely better than 80 to 85 per cent accurate, and since the police departments cannot match enforcement with accident expectancy even this well, it is unnecessary to attempt to match frequent and changing accident experience bases. This means, in brief, that a single spot map, kept for as long a period as will show significant accident experience and distribution, is better than several different maps, or maps for short periods of time, which will give inadequate and perhaps completely false pictures of what can be expected in the future.

Supplementing accident spot maps, the administrator must provide for careful and intelligent interpretation of all accident statistics. From these he can determine with some assurance of certainty where the high accident locations are, what the peak periods are of the day and the week, with sub-peaks and valleys also clearly identifiable. He will know which are the leading violations associated with accidents, and how they compare in frequency with each other. In other words, to obtain the necessary and pertinent facts for enforcement, he must have maximum accident reporting by the public, the best possible investigation of accidents by his officers, and intelligent and orderly inspection of the data compiled from the reports.

Thus armed, the administrator can marshal his forces.

First, what manpower is available for traffic enforcement? What percentage of the time of all officers, traffic personnel and general police officers alike, can and should be devoted to traffic enforcement? The administrator must recognize that responsibility for traffic enforcement belongs to the entire department even though certain special and detailed assignments may be made to traffic personnel. This fact must be driven home to the entire department, through all commanding and supervisory officers, and through department policy which is clearly established, carefully expressed, and attentively executed.

Assignment of available personnel (including the portion of non-traffic officers' time which is to be devoted to traffic enforcement) is made as

*Made by James Stannard Baker, director of research and development, The Traffic Institute, Northwestern University—based on accident experience in Cincinnati, O., and other cities.

nearly as practicable in proportion to the time frequency of accidents. Since it is not feasible to stagger working hours to an infinite degree, the matching of manpower to accident distribution can never be done exactly. By using four-hour blocks of time the accident curve and the assignment curve can be approximated closely enough, however, and for departments of limited personnel this will be necessary if any sort of matching is to be obtained. The administrator must keep in mind the weekly peaks and valleys as well as the daily shifts in volume. For practical purposes he can average the distribution for the five days from Monday through Friday, and use one plan of personnel assignment for those days. Saturday and Sunday present entirely individual problems, and the week-day distribution of personnel will be found entirely unsatisfactory for week-ends. Of course, in taking the personnel inventory, the administrator must take into account the net available working strength rather than the total number of men on the roster, with allowances for days off and for at least eight hours off duty for individual officers between any two consecutive shifts. Little attention need be paid to seasonal changes in volume, as the percentage distribution of accidents throughout the week will follow the same general curve even though overall volumes will show considerable change in some cities, as influenced by winter hazards, tourist traffic, school traffic, and other conditions or factors. Personnel assignments will be on a percentage basis rather than a strict numerical basis, although the numbers of men available during peak seasons can be in part controlled through the assignment of vacation periods of the force.

To give special attention to peak hours of the day, enough units can be assigned to report on duty in special shifts to provide maximum available forces during those peaks. However, for each additional or special shift reporting, there are complications of additional supervision, vehicular equipment, relief, and other factors, so that this practice is not usually feasible in smaller departments. In no case should individual shifts be split into less than a regular working day, as this invites reduction in morale which more than offsets the advantages gained.

A cardinal rule for all administrators, regardless of the size of the force, is to guard against weakening the effective beat strength of the traffic force through special details not related to traffic work. There is a tendency to pull men off traffic assignments for escorts, errands, chauffering of "VIPs", and other miscellaneous jobs, because these things somehow seem to be "traffic".

Area distribution of traffic enforcement units during any given period is based on the area distribution of the accident problem during that time. We cannot divide the city into an infinite number of geographical areas, to assure that at any given time the theoretical work-load of all units on duty will be equal. There will be many practical limitations on how areas may be divided effectively. If the units to be assigned are full-time

specialized units, then the principal factor is the number of accidents in the area, but if the units working are not specialized, then the traffic work-load must be combined with the service requirements of general policing of the area.

Natural boundaries, such as rivers, railroads, hills, parks, etc., will often be important factors. In any event, the total number of beat areas should be at least equal to the number of traffic enforcement units available for assignment at the maximum period, with two or more beats assigned to a unit when fewer units are available. Often it is desirable to assign units to line patrol rather than to area patrol, if the problem on a given street or route is important enough. Another device is to overlap patrol areas to points of heaviest load or along main arterials so that added attention is given to this need. In these cases it is most important to have the units clearly understand their joint responsibility.

Having made tentative distribution and assignment of men as to time and area, we must now give them instructions on the kind of work they will do. Accident data will provide a long list of violations involved in accidents during a given period. From this list, we determine the frequency with which specific violations occur, expressed in terms of percent of all violations noted. At the top of this list we normally find some four to ten violations which constitute the major percentage of the total, and perhaps a few others which occur with sufficient frequency to be important. These violations we call the *predominant violations* in accidents. The principle of selectivity says that enforcement must be directed against the predominant violations somewhat in proportion to their frequency of occurrence. In application we seek to have enforcement officers make traffic arrests in approximate proportion to these predominant violations. It is hardly necessary or advisable to try to match enforcement on a daily, weekly, or even on a monthly basis, to these predominant violations. It is important only that overall enforcement, on a long-term basis, approximately match these violations. One important objective of selective enforcement is to assure that enforcement against certain violations needing attention will not be overlooked entirely. For example, pedestrian violations cause most pedestrian accidents, yet in many departments little if any enforcement is against pedestrians.

The enforcement bulletin is one practical device to carry selectivity objectives to the men in the field. On this bulletin, issued at least monthly (so that it doesn't become "stale") are noted the pertinent facts about accidents—when, where, how many, how severe, etc.—with a listing of the predominant violations involved. The bulletin serves only as a guide, and to make it work all supervisory and command personnel must constantly evaluate the activity of officers, individually and collectively, and shape their enforcement efforts accordingly. Selectivity does not mean that lesser or "non-predominant" violations go unchecked. The "all

other" category is often large, and officers must be impressed with the need for taking appropriate enforcement action for all violations coming to their attention whenever possible. Talks in lineup, meetings, general orders, detailed notices, conferences, and training classes form some of the other important ways in which the principles and practice of selectivity may be carried to the men.

Enforcement work of a department may be fully selective as to time, place, and type of violation, yet not be effective in reducing accidents. In addition to selectivity, then, we need something else. Selectivity does not tell us all that is important about *quality* of enforcement, in terms of the individual worth or effect of a given traffic arrest or contact; nor does it tell us how much, or what *quantity* of enforcement is needed to provide sufficient deterrent effect to highway users.

Quality of enforcement

Good quality of enforcement means attaining maximum effectiveness in providing a deterrent to violations of law for each enforcement action taken. It means accomplishing the objectives which justify enforcement, namely, preventing accidents and delays, in the most efficient manner possible. It means increasing the efficiency of personnel and obtaining maximum return for time and effort expended. Selectivity is one of the means of obtaining quality. But full quality in enforcement depends upon many other factors, and is influenced by caliber of personnel, the kind and extent of training, good equipment, good procedures, good courtroom facilities and personnel, and many other factors. The total quality of enforcement is not easily measured. Because it cannot be measured, we must give utmost attention to all the details which tend to promote or detract from quality of enforcement.

Good quality in enforcement does not depend necessarily upon the amount; no measure of the gross number of arrests, citations or warnings will indicate how effective they might be in providing a deterrent. It is the force and accuracy with which a hammer is swung rather than the number of blows which determine how rapidly a nail can be driven.

Many administrators have found that increasing the number of enforcement actions, without regard to the quality or selectivity of those actions, may actually tend to detract from, rather than add to, the desired objectives. Promiscuous arrests are usually interpreted by the public as "drives" and the evidence of an officer "quota" system. The public rightfully resents these. Where sheer quantity is the goal, officers tend to issue more and more citations under circumstances when they are less and less warranted. The pettiness of most such arrests aggravates the situation. The bad effect of wholesale arrests is that they do not bring about the compliance intended; the courts and prosecutor break down under the overload and give insufficient attention to the more serious

cases; the quality of justice may slip, and the number of convictions go down. Thus, not only does the public resent the police, but becomes contemptuous of the courts as well.

On the other hand, high quality of enforcement, even in relatively small amounts, can have an important deterrent effect upon would-be violators. Through high quality enforcement contacts the officer singles out for attention primarily the kinds of violations which might result in accidents. Even the average motorist, with his inherent dislike of the "traffic cop," cannot fail to see the appropriateness of the officer's actions where the violation is clear-cut and significant. He understands why the officer has stopped him (or the other fellow), and his resentment is held to a minimum. As the department's enforcement program is understood by the public, and as its reasonableness and basic fairness are demonstrated, it becomes far more acceptable. This is the root and essence of securing public acceptance and compliance. It minimizes opportunities for resentment and criticism of the department's program and action, as well as the basis for criticism.

Good quality in enforcement does more than build public acceptance. It is the essence of efficient operation, since the officer is doing his best work in the most effective way. He thus has more time to devote to overall supervision and patrol. He is better able to cover a larger area, or make more frequent patrols of a small area. He is in a better position to evaluate overall conditions and to focus attention on situations needing action most. With his nose constantly buried in a citation book, in an effort to write a maximum number of tickets in a given time, he is quite likely to permit the "big ones" to get away more frequently than if he devoted more time to patrolling, observing, and evaluating the situation.

Use of the enforcement index (as discussed later) in gauging the amount of enforcement needed to keep accidents on the decline, presupposes the attainment of good quality of enforcement—that the actions taken by the officers are not only appropriate under the circumstances, but that they are carefully aimed to have the greatest effect in preventing accidents. Of all traffic violations occurring, it is possible to take police enforcement action against only a relatively small percentage of the total. Thus it is important that this small percentage be made as effective as possible. Let us examine an enforcement action phase by phase to see where quality might be improved.

The first of these is *detection*. Improvement in detecting traffic violations can be developed in much the same manner as detection and observation of all matters which come under the jurisdiction of the police. Those which have special importance in traffic patrolling include (1) *The basic preparedness of the officer for patrol:* knowledge of general policing methods; appreciation of the function of patrols; knowledge and interpretation of traffic laws; understanding of departmental traffic policies; knowl-

edge of the department's overall traffic program and objectives, and understanding his specific purpose and assignment. (2) *Use of tactics enabling him to make patrol runs more effective:* mixing the form of patrol; varying the timing and route of patrol runs; using "at rest" patrol tactic at carefully selected times and places; using "open" vs. "inconspicuous" patrol methods; concentrating on locations of high potential in violations or accidents; utilizing all potential sources of information available on a beat; utilizing the best means of observation; recognizing the tell-tale signs of potential violations; choice of best patrol speed under varying circumstances; choice of best position in the roadway for patrol effectiveness, and keeping the safety of the patrol officer and the public always in mind.

The second phase is *apprehension.* Once the violation is detected, and the officer has decided to take action, he must overtake and stop the violator, and complete the action decided on. This often involves (1) *Pursuing the violator:* selecting the best spot from which to take off in pursuit; identification of the violators vehicle in case he should be temporarily lost in traffic; getting into the stream of traffic safely yet swiftly; pacing the violator's vehicle properly, and overtaking the violator's vehicle as soon as it can be done safely. (2) *Stopping the violator:* selecting the place to stop; giving proper warning to other motorists; signalling the violator to stop, and approaching the stopped vehicle with regard to the officer's safety and ability to control the situation. (3) *Dealing with the violator:* recognizing that human relationships involve many complexities; minimizing the sources of human irritation which may occur between officer and violator, and keeping officer contact above criticism. (4) *Taking the enforcement action:* knowing the basis for the kind of enforcement action which is appropriate; identifying the violator and vehicle; checking the violator's driver license, and informing the driver of intended action. (5) *Completing the contact:* assuring that the violator knows what is expected in future similar situations; informing him, if asked, where to dispose of present charges, and assisting him to get back into traffic.

The first two phases of an enforcement are clearly the responsibility of the police. Whatever may happen to an enforcement action in the next phases, the police cannot justify a let-down in their part of enforcement on the flimsy excuse that enforcement is useless because the courts don't cooperate.

The third phase of an enforcement action is *prosecution.* Here we have the juncture between the police part and the court part of enforcement. We have already discussed what the police are expected to do in this area. In order to develop maximum quality of enforcement, officers must do each of the things required in the best possible manner. How the police can further improve quality through coordination and cooperation with the prosecutor will be discussed in the section on Coordination With Official and Non-Official Agencies.

The fourth phase of enforcement is *adjudication*. Officially, the police participate in determining the guilt or innocence of an accused person only through the placing of appropriate charges based on sound evidence, and in proper testimony in court. But there are many things which can be done by the police outside the courtroom to help improve the quality of decisions. These also will be discussed later.

The final phase in enforcement is *penalization*. The police exert but little official influence, and none of it directly, in determining the nature or severity of penalties which are appropriate in various cases. The best way to assure that violators found guilty are appropriately penalized is to bring in sound cases and to present them properly. Another means is through keeping adequate records and providing the court with the complete traffic history of the person charged in court, showing how many times he was involved in traffic accidents, and what action resulted, and in presenting a record of the accumulation of violations committed by this driver over a period of time. Still another means is to provide the judge periodically with summaries and interpretations of the accident situation, so that he will be better aware of the specific needs for and results of traffic law enforcement.

* * *

Gen. Stewart General Manager of National Safety Council

Major Gen. George Craig Stewart has been appointed general manager of the National Safety Council, a new post created to broaden the organization's top-level administration.

He assumed his new duties this month following his retirement from Army. Ned H. Dearborn, president of the Council, said the selection of General Stewart was made after months of screening by a special Council committee of business and safety leaders.

"General Stewart is highly recommended by his superiors and by those who served under him as a man who gets things done promptly, efficiently, and pleasantly," Mr. Dearborn said. "His brilliant Army record in military transportation in combat and in general administration is testimony to the vigor and imaginative planning he can bring to the Council."

* * *

At the 42nd National Safety Congress last month in Chicago, Ned H. Dearborn was re-elected president of the National Safety Council—for his 12th term.

Franklin M. Kreml, director of the Traffic Institute and of the Traffic Division of the International Association of Chiefs of Police, was re-elected vice president for traffic and transportation of the Council—for his third term.

Ninth Record-Breaking Month!

TRAFFIC DEATHS went down again in September to mark the ninth consecutive month this year with fewer auto fatalities, according to the National Safety Council.

Not since the early years of World War II, when gasoline rationing went into effect, has there been an unbroken string of reductions for the first nine months of any year, Council records show.

The accomplishment by the nation's motorists is even more significant when it is noted that travel has increased in every month that deaths have declined, the Council said.

September deaths totaled 3,020—down 7 per cent from the September total a year ago. The traffic death toll for nine months was 25,770—a reduction of 6 per cent from 1953.

Travel was up 3 per cent for eight months, the latest period for which figures are available. Coupled with the reduction in deaths, this resulted in a mileage death rate (deaths per 100,000,000 miles) of 6.2—lowest ever attained for the period.

Of 47 states reporting for September, 30 had decreases in deaths and two showed no change from September of last year. At the end of nine months, 33 of the 47 states had decreases and two no change.

The states with fewer deaths at the end of nine months were:

South Carolina	−25%	New York	− 8%
Wyoming	−18%	Kentucky	− 8%
Virginia	−17%	Pennsylvania	− 7%
Maine	−17%	Tennessee	− 7%
West Virginia	−16%	Michigan	− 6%
Montana	−15%	Massachusetts	− 6%
North Carolina	−14%	Louisiana	− 6%
Indiana	−14%	Maryland	− 6%
North Dakota	−14%	Utah	− 6%
Washington	−13%	Minnesota	− 5%
California	−12%	South Dakota	− 5%
Ohio	−12%	New Jersey	− 4%
Connecticut	−11%	Arkansas	− 4%
Mississippi	−10%	Arizona	− 4%
Vermont	−10%	Illinois	− 3%
New Mexico	− 9%	Wisconsin	− 3%
		Kansas	− 3%

Of 497 cities reporting for September, 99 had decreases and 308 no change. For nine months, 222 of these cities had fewer deaths, while 121 showed no change.

Perfect records for September were reported by 356 cities, the three largest being Washington, D.C. (802,200); Fort Worth, Tex. (278,800), and Providence, R. I. (248,700).

Cities with perfect records for nine months totalled 117. The three largest were Fresno, Calif. (107,900), Richmond, Calif. (99,500), and Sioux Falls, S. D. (52,700).

Of the 222 cities with fewer deaths at the end of nine months, the following have populations of more than 200,000:

Norfolk, Va.	−60%	Washington, D.C.	−21%
Honolulu, Hawaii	−55%	Cleveland, Ohio	−19%
Ft. Worth, Tex.	−53%	Buffalo, N. Y.	−17%
Kansas City, Mo.	−45%	San Antonio, Tex.	−15%
Portland, Ore.	−37%	San Diego, Calif.	−15%
Columbus Ohio	−36%	Toledo, Ohio	−13%
Richmond, Va.	−31%	St. Paul, Minn.	−12%
Oklahoma City, Okla.	−28%	New York, N. Y.	−12%
Worcester, Mass.	−22%	Oakland, Calif.	− 9%
Cincinnati, Ohio	−21%	Chicago, Ill.	− 8%
Baltimore, Md.	−21%	Houston, Tex.	− 2%
		Detroit, Mich.	− 2%

The three leading cities in each population group at the end of nine months, ranked according to the number of deaths per 10,000 registered vehicles, were:

	Reg. Rate		*Reg. Rate*
Over 1,000,000 Population		200,000-350,000 Population	
Los Angeles, Calif.	2.9	Honolulu, Hawaii	1.0
Detroit, Mich.	3.3	Norfolk, Va.	1.1
Philadelphia, Pa.	3.7	Oklahoma City, Okla.	1.3
750,000-1,000,000 Population		100,000-200,000 Population	
Washington, D.C.	2.6	Fresno, Calif.	0.0
San Francisco, Calif.	2.7	Berkeley, Calif.	0.3
Baltimore, Md.	2.7	Little Rock, Ark.	0.3
500,000-750,000 Population		50,000-100,000 Population	
Seattle, Wash.	2.0	Richmond, Calif.	0.0
Milwaukee, Wis.	2.2	Sioux Falls, S. D.	0.0
Buffalo, N. Y.	2.5	Aurora, Ill.	0.0
350,000-500,000 Population		25,000-50,000 Population	
Portland, Ore.	1.7	Palo Alto, Calif.	0.0
Columbus, Ohio	1.8	Billings, Mont.	0.0
Kansas City, Mo.	2.4	Vancouver, Wash.	0.0

10,000-25,000 Population

Las Vegas, Nev.	0.0
Kenmore, N. Y.	0.0
Casper, Wyo.	0.0

"Dad" Bruce Heads IACP

IRVIN B. BRUCE, chief of police of Colorado Springs, Colo., is the 1954-55 president of the International Association of Chiefs of Police.

Chief Bruce took over the IACP reins on the last day of the 61st annual conference, Sept. 30, in New Orleans, La. He was elevated to the presidency from the office of first vice president, succeeding Chief Carl F. Hansson, Dallas, Tex.

Highly regarded personally and professionally, "Dad" Bruce has been a law enforcement officer for 40 years and has headed the Colorado Springs department the past 13 years. Active for many years in IACP affairs, he presided at the traffic session of the New Orleans conference and also presented the report of the Association's arson committee. He was host to the 1950 IACP conference in Colorado Springs.

Other officers of the IACP for the 1954-55 term are: *First Vice president*, Chief Walter E. Headley, Jr., Miami, Fla.; *second vice president*, Chief George A. Otlewis, Chicago Park District Police; *third vice president*, Chief John D. Holstrom, Berkeley, Calif.; *fourth vice president*, Chief Alfred T. Smalley, Highland Park, N. J.; *fifth vice president*, Supt. Charles W. Woodson, Jr., Virginia State Police; *sixth vice president*, Chief Robert V. Murray, Metropolitan Police Department, Washington, D. C.; *secretary*, Retired Chief John F. Murray, Perth Amboy, N. J.; *treasurer*, Supt. William J. Roach, Waterbury, Conn.; *executive secretary*, Leroy E. Wike, Washington, D. C., and *sergeant-at-arms*, Supt. Tom R. Jones, Minneapolis, Minn.

The sixth vice president and the sergeant-at-arms are the only new names in the list of officers. The secretary and treasurer were re-elected, the vice presidents, in line with the Association's succession policy, moved to the next highest office, and the office of executive secretary is an appointive one.

Retired Chief James M. Broughton, Portsmouth, Va., is the honorary president of the IACP.

Officers of the Association's State and Provincial Section for the coming year are: *General chairman*, Col. Russell A. Snook, superintendent, New Jersey State Police; *vice chairman (east)*, Commissioner Joseph A. Childs, Michigan State Police; *vice chairman (west)*, Supt. A. P. Bunderson, Idaho State Police; *secretary*, Commissioner T. B. Birdsong, Mississippi Department of Public Safety; *advisor*, Bruce Smith, director, Institute of Public Administration, New York City.

Francis J. McCabe, field representative of the IACP Traffic Division, Evanston, Ill., is liaison officer for the State and Provincial Section.

The following were named regional chairmen of the State and Provincial Section; *North Atlantic*, Commissioner John C. Kelly, Connecticut State Police; *Southern*, Supt. Francis C. Grevemberg, Louisiana State Police; *East North Central*, Supt. Frank A. Jessup, Indiana State Police; *West North Central*, Supt. Clark J. Monroe, North Dakota Highway Patrol; *West South Central*, Supt. Hugh H. Waggoner, Missouri State Highway Patrol; *Mountain-Pacific*, Supervisor Glenn M. Schultz, Montana Highway Patrol.

* * *

Philadelphia was selected as the site for the 1955 conference of the IACP, and Chicago for the 1956 conference.

* * *

Traffic Safety Honors to Hall, Neyhart

Two veteran traffic safety leaders have received new honors this fall.

W. Earl Hall, managing editor of the *Mason City Globe-Gazette*, was named winner of the 1954 Mutual of Omaha $10,000 Criss Award and gold medal. The award, largest of its kind in the United States, was established to honor outstanding contributions in the field of health and safety. This was the third Criss Award. Mr. Hall's interest in organized safety programs dates from 1926, and he has won a number of other national safety awards.

Amos E. Neyhart, administrative head of the Institute of Public Safety of Pennsylvania State University, was named the 1954 winner of the Society of Automotive Engineers' Beecroft Memorial Award. A pioneer in driver education, Mr. Neyhart presented the first high school driver education course in the country in the State College (Pa.) High School in 1934. He delivered the Beecroft Lecture at the National Safety Congress last month in Chicago.

Among previous winners of the Beecroft Award are W. Earl Hall and Franklin M. Kreml, director of the Traffic Institute and of the Traffic Division of the International Association of Chiefs of Police.

* * *

The annual cost of insuring California state-owned cars has been reduced $100,000. The insurance carrier reduced the premium by 20 per cent and credited an employee accident prevention program for making the cut possible.

Traffic Featured at Annual Conference of IACP

The importance of traffic supervision in the work of law enforcement was emphasized at the recent annual conference of the International Association of Chiefs of Police in New Orleans, with a special session being devoted to the subject.

Chief Irvin B. Bruce, Colorado Springs, Colo., who was to succeed to the presidency of the Association later in the conference, was the presiding officer at the traffic session.

Reports of the Association's Traffic Committee and of the IACP Traffic Division were presented by Commissioner B. R. Caldwell, California Highway Patrol, and Franklin M. Kreml, director of the IACP Traffic Division, respectively.

RESOLUTIONS OF APPRECIATION

Resolutions expressing appreciation to seven national organizations for support to traffic safety, especially to traffic law enforcement, were among those passed by the International Association of Chiefs of Police at its 61st annual conference recently in New Orleans.

The organizations honored were: Association of Casualty and Surety Companies, Automotive Safety Foundation, National Association of Automotive Mutual Insurance Companies, Kemper Foundation for Traffic Safety (sponsored by the Lumbermens Mutual Casualty Company and the American Motorists Insurance Company), Farmers Insurance Group Safety Foundation, Liberty Mutual Insurance Company, and Allstate Insurance Company.

Chief City Magistrate John M. Murtagh, New York City, spoke on "The Courts and the Police in Traffic Law Enforcement," and Frederick T. Aschman, executive director of the Chicago Plan Commission, discussed "Traffic Movement and the City Plan".

Other addresses were given by Dr. Douglas M. Kelley of the School of Criminology, University of California, on "Psychiatric Evaluation of the Problems of 'the Chronic Traffic Offender'," and by William S. Lampe, managing editor of the *Detroit Times*, on "Gaining Public Support for Traffic Safety."

Col. Arthur E. Kimberling, director, Police Service Division, Federal Civil Defense Administration, conducted a panel discussion on "Population Dispersal—Its Effect on Civil Defense Traffic Control."

KNOW THE LAW

by
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RECENT DECISIONS DEAL WITH ADMISSIBILITY OF POLICE REPORTS IN ACCIDENT CASES

A NUMBER of recent cases have involved the admissibility of accident reports and other data prepared by police officers. The latest of these, *Carlson v. Brunette*, 339 Mich. 188, 63 N.W.2d 428 (Apr. 5, 1954), involved the question as to which vehicle was on the wrong side of the road in a head-on collision. The trial court refused to allow a pertinent notation in the state policeman's report to be introduced in evidence for the purpose of impeaching his testimony and refreshing his recollection as to where he had placed the point of impact. The ground for exclusion was that such reports were not admissible under the statute (Sec. 9.2324 MSA, 1952 Rev.) which provides that reports of accidents required to be made by drivers to the police "shall not be available for use in any court action." Following its prior holding in *Wallace v. Skrzycki*, 338 Mich. 165, 61 N.W.2d 106 (1953), the court held that this statute had no application to reports or notes made by police officers in such cases, so that the trial court's exclusion thereof was error.

In the *Wallace* case the court points out that the pertinent part of such a police report may be held admissible *as a record of a past recollection*, even though the officer who made it has no present recollection of the facts, citing *Germiquet v. Hubbard*, 327 Mich. 225, 41 N.W.2d 531 (1950). It was also held that such a report, or notes made by an investigating officer, may be used to refresh the recollection of the officer making it, but that a police witness cannot be permitted to refresh his memory from memoranda made by another officer. However, except for purposes of impeachment or refreshing recollection, any part of the report itself is not admissible as evidence as primary proof unless the pertinent portion is authenticated in the proper manner as being a true record of a past recollection.

The necessary foundation for the admission of any part of such a report as a record of a past recollection is well stated in the *Germiquet* case,

supra, i.e., when a witness has no present recollection of the facts but is able to testify that, at a time when he did have personal knowledge, he made a true and correct record of the facts, such record may be received in evidence if otherwise competent and relevant. In the *Wallace* case the officer did have a personal recollection of the facts after reading the report prior to trial and thereby refreshing his memory, so that the report was not admitted.

In another Michigan case, *Baumgarten v. Tesco*, 312 Mich. 161, 20 N.W.2d 144 (1945), an officer's notations as to admissions made to him by one of the parties were held "clearly admissible," he having no present recollection of the occurrence, but having testified that he made the report and that "whatever he wrote down there was true or he would not have put it there."

Other illustrations of the use of police reports and notes in evidence appear in cases from other jurisdictions. In *Has v. Kasnot*, 371 Pa. 580, 92 A.2d 171 (1952), a police officer's report was held inadmissible because it contained hearsay, in that it purported to set forth the manner in which the accident happened, based on the stories of witnesses present at the scene. The court said: "Obviously this description of the occurrence could have been obtained by the officers only from witnesses interviewed by them, and therefore was purely hearsay testimony, affording the plaintiff no opportunity to cross-examine the unknown, undisclosed persons upon whose statements this important feature of the report was based. In answer to the defendant's contention that the report was admissible under the Uniform Business Records as Evidence Act it is sufficient to state * * * that the act did not intend to make relevant that which is not relevant, nor to make all business and professional records competent evidence regardless of by whom, in what manner and for what purpose they were compiled or offered. * * * It was clearly erroneous to permit the introduction of the police report in evidence." Upon a subsequent appeal of this same case (105 A.2d 74 - 1954), it was held that the report was properly used by the officer to refresh his recollection.

In *Paliokaitis v. Checker Cab Co.*, 324 Ill. App. 21, 57 N.E.2d 216 (1944), a judgment for the plaintiff was reversed because of the insistence of plaintiff's counsel in handling, exhibiting, discussing and referring, in the presence of the jury, to the investigating officer's reports which were inadmissible because they contained conclusions and hearsay as to how the accident occurred. Likewise in *Stickle v. San Diego Electric Ry. Co.*, 32 Cal. 2d 157, 195 P.2d 416 (1948), on cross examination of the investigating officer, the defendant sought to show that at the scene of the accident the officer had entered in his book the notation—"Cause of accident: auto ran through stop sign." Objection was held properly sustained since the notation was nothing but a conclusion of the officer arrived at after he had interviewed unidentified persons at the scene.

In *Kelliher v. Ray*, 43 Cal. App. 2d 252, 110 P.2d (1941), the investigating officer testified to skidmarks, refreshing his recollection from notes which he made shortly following the accident. Counsel for the plaintiff was denied leave to examine the notes on the ground that such reports were confidential. Such refusal was held to constitute reversible error, since the statute did not make the reports confidential, and the adverse party had a right to examine the notes from which the witness refreshed his recollection in testifying. The court said such examination was proper "for the purpose of protecting the adverse party against false, forged or manufactured evidence, and to aid in developing circumstances that might detract from the weight of the witness' testimony."

* * *

These cases furnish authority for the conclusions that:

1. Ordinarily accident reports of investigating officers are not confidential.

2. When the officer making the report retains an independent recollection of the facts, the report itself or any part thereof is not admissible, except by way of impeaching the officer's testimony or for refreshing his recollection.

3. Reports and similar memoranda are not admissible if they contain hearsay.

4. They are not admissible if they state conclusions of the officer drawn from his observations or the statements of other persons.

5. If a proper foundation therefor is laid, a pertinent portion of the report may be shown as a record of a past recollection, if not otherwise objectionable.

6. Such memoranda, reports and data are not admissible as business or professional records, kept in the ordinary course of business, within the scope of the Uniform Business Records as Evidence Act.

7. Reversible error may result from improper handling, exhibiting or referring to inadmissible data of this sort in the courtroom.

* * *

WASHINGTON COMMEMORATES 100 LIVES SAVED

To commemorate the saving of 100 lives in less than eight months in the Governor's Traffic War, 100 persons were assembled on the steps of the State Capitol in Olympia, Wash., for a safety publicity picture. The picture was sent to newspapers and television stations throughout the state and was widely used.

25 YEARS OF JOINT FIRE AND POLICE SERVICE

Oakwood, O., has passed the 25-year mark of operation of a single public safety department for taking care of police and fire protection, according to the International City Managers' Association.

The community, population 9,691, has 31 men in its public safety department: the chief, three captains, four sergeants, 18 patrolmen, four radio dispatchers, and one radio technician. The personnel includes a "property protection" crew, composed of men responsible for fire-fighting. They are assigned to rotating schedules so that there are men on duty day and night.

Oakwood has an area of three square miles and is primarily residential. It is located on the outskirts of Dayton, O.

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NEW CAR DEALERS PROVIDE 7,300 VEHICLES FOR DRIVER EDUCATION

Seventy-three hundred cars, valued at $14,600,000, were provided the nation's high schools by new car dealers for driver education use during the 1953-54 school term, the Inter-Industry Highway Safety Committee has announced.

"This is an increase of 900 cars over the total for the preceding year," said W. F. Hufstader, chairman of the committee and vice president of General Motors. It is heartening evidence of the continuing growth of effective high school driver education courses and of dealer support for this important traffic safety program."

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ANDREW J. SORDONI NEW PRESIDENT OF AAA

Andrew J. Sordoni, of Wilkes-Barre, Pa., industrialist and Pennsylvania secretary of commerce, was elected president of the American Automobile Association at the final session of the AAA's 52nd annual meeting last month in Detroit.

He succeeds Ralph Thomas, who completed a two-year term as head of the 4,500,000-member national motoring organization.

Delegates to the three-day convention elected Harry I. Kirk, a director of the Chicago Motor Club, as AAA senior vice-president, succeeding Mr. Sordoni.

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NEW FIRE ALARMS SYSTEM FOR TRUCKS AND TRAILERS

An automatic and self-powered fire alarm system that can be installed in trucks and trailers is being used by a New Jersey motor freight company. Self-powered screaming whistle devices are automatically set off when temperatures in their vicinity reach 136 degrees Fahrenheit. Once triggered by heat, the units shriek their warning to drivers for 12 to 18 minutes. Information on the system will be furnished on request to Editor, *Traffic Digest & Review*, 1704 Judson Ave., Evanston, Ill.

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TRAINING CALENDAR

(*All training courses will be conducted at the Traffic Institute, Evanston, Ill., unless otherwise indicated.*)

Nov. 8-10—Traffic Court Conference (Conducted with ABA), University of Texas, Austin, Tex.
Nov. 8-24—Traffic Law for Police.
Nov. 22-24—Traffic Court Conference (Conducted with ABA), Indianapolis, Ind.
Nov. 29-Dec. 10—Traffic Control—Devices and Methods for Police.
Nov. 29-Dec. 10—Post Licensing Control and Driver Improvement (conducted for AAMVA).
Dec. 13-18—Chemical Tests for Intoxication.
Jan. 3-14—Principles of Organization.
Jan. 17-Feb. 4—Police Traffic Records
Jan. 24-Feb. 4—Traffic Law Enforcement, University of California, Berkeley, Calif.
Jan. 24-28—Traffic Court Conference (Conducted with ABA), University of California, Berkeley, Calif.
Feb. 7-18—Police Traffic Training, Arizona State College, Tempe, Ariz.
Feb. 21-Mar. 4—Personnel Management.
Feb. 28-Mar. 11—Traffic Law Enforcement, Northeastern University, Boston, Mass.
Mar. 7-11—Traffic Court Conference (Conducted with ABA), Northeastern University, Boston, Mass.
Mar. 7-11—Traffic Engineering—Field Study and Survey Methods.
Mar. 7-18—Training Programs and Methods.
Mar. 14-18—Traffic Engineering—Regulation and Control Devices.
Mar. 21-25—Traffic Engineering—Traffic and Transportation Planning.
Mar. 21-Apr. 1—Personnel Supervision.
Mar. 21-Apr. 8—Police Traffic Training.
Apr. 4-29—Military Vehicle Safety and Traffic Regulation (*for U.S. Army*)
Apr. 18-May 6—Accident Investigation.
May 2-20—Traffic Law Enforcement.